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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 13 1 0010  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

SITE: Brown's Dump  
BREAK: 13.1  
OTHER: \_\_\_\_\_

February 7, 2002

4WMD - SSMB

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Nellie Tunsill, Chairperson  
Citizens Organized for Environmental Justice, Inc.  
P.O. Box 40652  
Jacksonville, FL 32203

SUBJ: Follow-up to January 9, 2002, Meeting

Dear Mrs. Tunsill:

Thank you for meeting with us on January 9, 2002, to discuss issues related to the Brown's Dump Superfund Site in Jacksonville, Florida. The purpose of this letter is to respond to several issues raised during that meeting. During the meeting, it was noted that your copy of the Public Health Assessment for Brown's Dump was not the most recent version of the Public Health Assessment. Enclosed for your information is the latest version of the Agency for Toxic Substances and Disease Registry's (ATSDR) Public Health Assessment dated June 26, 2000 (Enclosure 1). Also enclosed with this letter is the latest version of EPA's Interim Relocation Policy dated June 30, 1999 (Enclosure 2). This Interim policy and other related information can also be found at the following website:

<http://www.epa.gov/superfund/tools/topics/relocation/intpol.htm>

In response to your question regarding EPA's search for potential responsible parties (PRPs) for the Site, it is ongoing. Until the search is finalized, specific information on the potential PRPs is kept confidential. When the report has been finalized, you will be provided a copy. In addition, you questioned why the City of Jacksonville was not fined for delays associated with the Remedial Investigation (RI). EPA did not levy stipulated penalties because it was our decision that the delays were justified. In fact, in a July 21, 2000, letter, EPA noted changes to the RI/FS schedule due to justified delays (Enclosure 3). Since the July 21, 2000, letter, there have been other justified actions which have delayed the RI/FS schedule. For example, EPA believed that additional RI soil sampling was necessary to further delineate the Site even though this additional sampling would delay previously planned schedules.

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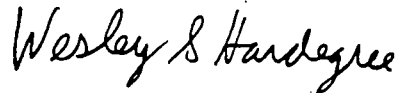
At the January meeting you asked whether the community could perform oversight and collect split samples during future sampling events by the City. At that time our response was that EPA could not force the City to allow such action, but that we had no objection to such oversight. Upon further discussion within EPA, we have concluded that we cannot support community oversight or split sampling during the RI process. There are a number of factors that went into this decision. For example, in order for an individual to be in the sampling area during the RI, field personnel must comply with 29 CFR 1910.120 of the Federal Code, which necessitates specific field training requirements along with other stipulations. EPA cannot support official oversight by individuals who do not meet these requirements. EPA also notes difficulties with confidentiality for the landowners of the parcels being sampled. The access agreements used to gain permission for sampling by the City's contractors do not extend to any other party (i.e., access by people not covered by the access agreement cannot be allowed). EPA must also ensure that confidential sampling information is not shared with anyone, except the landowner, before it has been through quality assurance and quality controls. Moreover, the RI sampling is near completion, and the opportunity for oversight/split samples has mostly passed.

Regarding the use of split samples during oversight, EPA wants to mention that EPA Region 4 does not routinely use split soil samples as a primary oversight tool. EPA determined that split samples are frequently an inconclusive measure of data quality for a variety of reasons. For example, if results differ between laboratories, it is difficult to pinpoint why the results differ and which laboratory is "right." The differences may be due to natural variations which can occur during the sample splitting process, the sample not being homogenous or laboratory procedures.

Although EPA has identified some obstacles to the requested oversight/split samples, none of these concerns inhibit you from pursuing separate access and taking your own samples of the neighborhood.

If you have any questions, please feel free to call me at (404) 562-8938 or Caroline Philson at (404) 562- 9588.

Sincerely,



Wesley S. Hardegree  
Remedial Project Manager

Enclosures: 1. June 26, 2000, Health Assessment - Brown's Dump  
2. June 30, 1999, Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions  
3. June 21, 2000, EPA Letter on RI/FS Schedule

cc: Chris Pearson, City of Jacksonville (w/o enclosures)